

Cover page for:

Preliminary Title Insurance Schedules *(with copies of recorded exception documents)*

Preliminary title insurance schedules prepared by:

Freedom Title Company, Inc.

(File Number: 23100025)

Note: The tract numbers in the preliminary title insurance schedules do not correspond to the auction tract numbers. For purposes of bidding at the auction, and for purposes of the purchase documents, the auction tracts are identified by the tract numbers used in the auction brochure and Exhibit A in the Bidder Packets. The tract numberings are cross-referenced in the table below.

Title Company's Tract Numbers:	Auction Tract Numbers:
I	8 – 11 & most of 6 & 7
II	1 & 2
III	Parts of 6 & 7
IV	3 - 5

For November 28, 2023 auction to be conducted by:

Schrader Real Estate and Auction Company, Inc.

On behalf of:

Joyce E. Walther Rev. Liv. Trust dtd 10/8/2020



Fidelity National Title Insurance Company

Transaction Identification Data, for which the Company assumes no liability as set forth in Commitment Condition 5.e.:

Issuing Agent: Freedom Title Company, Inc.
Issuing Office: 700 East Main St, Richmond, IN 47374
Issuing Office's ALTA® Registry ID: 0044380
Loan ID No.:
Commitment No.: 23100025
Issuing Office File No.: 23100025
Property Address: Swallow Rd/0 & 11513 Moyer Rd/US Hwy 40, Milton/CambridgeCty/Greensfork, IN
Revision No.:

SCHEDULE A

- 1. Commitment Date: October 3, 2023 at 08:00 AM
2. Policy to be issued:
a. ALTA Own. Policy (7/1/2021)
Proposed Insured: Purchaser with contractual rights under a purchase agreement with the vested owner identified at Item 4 below
Proposed Amount of Insurance: \$ 916,300.00
The estate or interest to be insured: Fee Simple
3. The estate or interest in the Land at the Commitment Date is: Fee Simple
4. The Title is, at the Commitment Date, vested in: The Joyce E. Walther Revocable Living Trust
5. The Land is described as follows:

SEE EXHIBIT A ATTACHED HERETO

FIDELITY NATIONAL TITLE INSURANCE COMPANY

By: [Signature]
Freedom Title Company, Inc.

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27C170 Sch. A

ALTA Commitment for Title Insurance (07-01-2021)

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SCHEDULE B, PART I - Requirements

Commitment No.: 23100025

File No. 23100025

All of the following Requirements must be met

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. For each policy to be issued as identified in Schedule A, Item 2: the Company shall not be liable under this commitment until it receives a designation for a Proposed Insured, acceptable to the Company. As provided in Commitment Condition 4, the Company may amend this commitment to add, among other things, addition exceptions or requirements after the designation of the Proposed Insured.
6. The Proposed Policy Amount(s) must be modified to the full value of the estate or interest being insured, and any additional premium must be paid. The Proposed Policy Amount for an owner's policy should reflect the contract sales price unless the Company is furnished with a current appraisal indicating a different value. The Proposed Policy Amount for a loan policy will not be issued for an amount less than the principal amount of the mortgage debt or no more than 20% in excess of the principal debt in order to cover interest, foreclosure costs, etc. Proposed Policy Amount (2) will be revised, and premium will be charged per the Company's Rate Manual then in effect when the final amounts of insurance are approved.
7. The Company requires a copy of the Trust Agreement and any amendments, or a currently executed Certification of Trust pursuant to IC 30-4-4-5, for review prior to the issuance of any title insurance predicated upon a conveyance by The Joyce E. Walther Revocable Living Trust.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

8. A Trustees Deed from The Joyce E. Walther Revocable Living Trust, to proposed insured purchaser.

Deed to recite that signatory/ies is/are the duly qualified (Co-) Successor Trustee(s) of the The Joyce E. Walther Revocable Living Trust, that said trust is in writing and in force and effect on the date of the deed; and, the (Co-) Successor Trustee(s) is/are authorized by said trust to make the conveyance.

9. A Vendor's Affidavit to be furnished.
10. NOTE: If a conveyance document is to be recorded, a sales disclosure form must be filed in the Wayne County Auditor's office.

NOTE: By virtue of IC 27-7-3.6, a fee of \$5.00 will be collected from the purchaser of the policy for EACH policy issued in conjunction with a closing occurring on or after July 1, 2006. The fee should be designated in the 1100 series of the HUD form as a TIEFF (Title Insurance Enforcement Fund Fee) charge.

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SCHEDULE B
(Continued)

Commitment No.: 23100025

File No. 23100025

NOTE: Effective July 1, 2006, any documents requiring a preparation statement which are executed or acknowledged in Indiana must contain the following affirmation statement as required by IC 36-2-11-15: "I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document unless required by law. [Sign, Print or Type Name]."

Additionally, pursuant to IC 35-2-7.5-6, a \$2.00 fee for each recorded document must be collected and deposited into the "County Identification Protection Fee" fund. Said fee has been collected by the county recorder since the law's inception in 2005 and will continue to be collected until further notice.

11. NOTE FOR INFORMATION: Effective July 1, 2009, HEA 1374 concerning Good Funds in real estate transactions requires funds deposited into an escrow account for closing from any party to the transaction in amounts over \$10,000.00 to be in the form of an irrevocable wire transfer. Funds deposited into an escrow account for closing in an amount less than \$10,000.00 must be in the form of cash, irrevocable wire transfer, cashier's check, certified check, check drawn on the escrow account of another closing agent or check drawn on the trust account of a real estate broker licensed under IC 25-34.1.

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(23100025.PFD/23100025/5)

SCHEDULE B
(Continued)

Commitment No.: 23100025

File No. 23100025

SCHEDULE B, PART II - Exceptions

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.

The Policy will not insure against loss or damage resulting from the terms and conditions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I-Requirements are met.
2. Rights or claims of parties in possession not shown by the public records.
3. Easements, or claims of easements, not shown by the public records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land.
5. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
6. Taxes or special assessments which are not shown as existing liens by the public records.
7. TRACT I: Taxes assessed for the year 2022 due and payable in 2023.
Taxing Unit: Jackson Twp.
Tax Parcel #010-00702-00, State ID #89-09-29-000-423.000-015
Auditor's Legal: PT SE SEC 29-16-13 160A
Assessed Value: Land \$210,600.00, Improvements \$16,500.00
Mortgage Exemption \$0.00, Supplemental Exemption \$0.00, Standard Deduction \$0.00.
a) First Installment: \$2,508.37, PAID
b) Second Installment: \$2,508.37, UNPAID
8. TRACT I: Taxes assessed for the year 2022 due and payable in 2023.
Taxing Unit: Jackson Twp.
Tax Parcel #010-00702-02, State ID #89-09-29-000-217.000-015
Auditor's Legal: PT NE SEC 29-16-13 90.964A
Assessed Value: Land \$126,700.00, Improvements \$0.00
Mortgage Exemption \$0.00, Supplemental Exemption \$0.00, Standard Deduction \$0.00.
a) First Installment: \$1,387.37, PAID
b) Second Installment: \$1,387.37, UNPAID
9. TRACT II: Taxes assessed for the year 2022 due and payable in 2023.

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SCHEDULE B

(Continued)

Commitment No.: 23100025

File No. 23100025

- Taxing Unit Harrison Twp.
Tax Parcel #009-00194-00, State ID #89-09-04-000-306.000-014
Auditor's Legal: E 1/2 SW SEC 4-16-13 75A
Assessed Value: Land \$116,000.00, Improvements \$0.00
Mortgage Exemption \$0.00, Supplemental Exemption \$0.00, Standard Deduction \$0.00.
a) First Installment: \$1,160.00, PAID
b) Second Installment: \$1,160.00, UNPAID
10. TRACT II: Taxes assessed for the year 2022 due and payable in 2023.
Taxing Unit Clay Twp.
Tax Parcel #005-00336-00, State ID #89-09-04-000-403.000-008
Auditor's Legal: SE SEC 4-16-13 35.237A
Assessed Value: Land \$50,800.00, Improvements \$0.00
Mortgage Exemption \$0.00, Supplemental Exemption \$0.00, Standard Deduction \$0.00.
a) First Installment: \$508.00, PAID
b) Second Installment: \$508.00, UNPAID
11. TRACT III: Taxes assessed for the year 2022 due and payable in 2023.
Taxing Unit Jackson Twp.
Tax Parcel #010-00810-00, State ID #89-09-29-000-220.000-015
Auditor's Legal: Jackson Twp.
Assessed Value: Land \$15,200.00, Improvements \$0.00
Mortgage Exemption \$0.00, Supplemental Exemption \$0.00, Standard Deduction \$0.00.
a) First Installment: \$186.36, PAID
b) Second Installment: \$186.36, UNPAID
12. TRACT IV: Taxes assessed for the year 2022 due and payable in 2023.
Taxing Unit Harrison Twp
Tax Parcel #009-00021-01, State ID #89-09-08-000-209.001-014
Auditor's Legal: NE SEC 8-16-13 143.37A EX 13.837A TO STHWY, SUB TO 0.334A HW RW
Assessed Value: Land \$187,100.00, Improvements \$193,400.00
Mortgage Exemption \$0.00, Supplemental Exemption \$38,780.00, Standard Deduction \$45,000.00.
a) First Installment: \$2,999.15, PAID
b) Second Installment: \$2,999.15, UNPAID
13. Taxes assessed for the year 2023 due and payable in 2024, a lien not yet due and payable.
14. Taxes for subsequent years which are not yet due and payable.
15. The Company assumes no liability for increases in the amount of real estate taxes as shown above as a result of retroactive revaluation of the land and improvements, changes in the usage of the land or the loss of any exemption or deduction applicable to the land insured herein.
16. Municipal assessments, if any, assessed against the land.

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SCHEDULE B
(Continued)

Commitment No.: 23100025

File No. 23100025

17. TRACT III: Easement reserved in Warranty Deed recorded in Deed Record 132, page 283, in the Office of the Wayne County Recorder.
18. TRACT III: Covenants, conditions, and restrictions as contained in Quit-claim Deed recorded as Instrument #1994005253 in the Office of the Recorder of Wayne County.
19. TRACT IV: Easement granted to the State of Indiana, as referenced in Quit-claim Deed recorded as Instrument #2002016503 in the Office of the Wayne County Recorder, and shown by Survey by Beals Surveying Corporation recorded as a part thereof.
20. TRACT IV: Dedication of Public Way granted to Wayne County, Indiana, recorded as Instrument #2002006404 in the Office of the Wayne County Recorder, as amended by Amendment thereto recorded as Instrument #2003007447.
21. TRACT IV: Permanent extinguishment of all rights and easements of ingress and egress to, from and across the limited access facility known as Interstate Route 70 to and from the land.
22. Rights of the Public, the State of Indiana, and County of Wayne and the municipality in and to that part of the premises taken or used for road purposes.
23. Right of way for drainage tiles, ditches, feeders and laterals, if any.
24. TRACT IV: Rights of upper and lower riparian owners in and to the use of the waters of creeks or rivers thereon and the natural flow thereof.
25. TRACT IV: Any adverse claim based upon assertion that:
 - a) Said land or any part thereof is now or at any time has been below the ordinary low water mark of Dry Branch Creek.
 - b) Some portion of said land has been created by artificial means or has accreted to such portion so created.
 - c) Some portion of said land has been brought within the boundaries thereof by an avulsive movement of Dry Branch Creek, or has been formed by accretion to such portion so created.
26. The acreage indicated in the legal description is solely for the purpose of identifying the said tract and should not be construed as insuring the quantity of land.
27. The address shown on Schedule A, is solely for the purpose of identifying said tract and should not be construed as insuring the address shown in the description of the land.
28. NOTE: Easements for ingress to and egress from Tracts I and III of the subject real estate set out in Warranty Deeds, recorded in Deed Record 132, page 283, and in Deed Record 446, page 218, in the Office of the Wayne County Recorder, however, policy when issued will not insure the ownership or continued use of said easement.
29. NOTE: We reserve the right to make additional exceptions or requirements upon receipt of a survey, if any.
30. NOTE: Subject to an examination for judgments against the proposed insured.
31. NOTE: Indiana state law, effective July 1, 2023, prohibits ownership of certain real property by certain foreign parties. This law can be found at Indiana Code § 1-1-16-1, et seq. ("the Act"). Any loss or damage resulting from a violation of the Act is excluded under the terms of the Policy.

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EXHIBIT A

The following described real estate situate in Wayne County, State of Indiana, to-wit:

TRACT I: 25-29-000-217.000-10; 25-29-000-423.000-10 (COMMONLY KNOWN AS SWALLOW RD MILTON, IN 47357)
The East half of Section 29, Township 16, Range 13 East, lying south of the National Road, except 3.281 acres, more or less, deeded to the P.C.C. & St. L. Railroad Company by deed dated July 28, 1910 and recorded in Deed Record 132, page 283 of the records in the Recorder's Office of Wayne County, Indiana, containing 257-1/2 acres, more or less.

EXCEPTING, the following described real estate: A part of the northeast quarter of Section 28, Township 16 North, Range 13 East in Wayne County, Indiana, described as follows, to-wit: Beginning at the intersection of the south line of the right-of-way of United States Highway 40 and the westerly right-of-way line of the P.C.C. & St. L. Railroad Company, running thence in a westerly direction along the southerly right-of-way of said United States Highway No. 40 a distance of 430 feet, more or less, to a concrete post and fence, thence in a southerly direction along said existing fence 190 feet, more or less, to the right-of-way of the P.C.C. & St. L. Railroad Company; thence in a northeastwardly direction along said right-of-way of said P.C.C. & St. L. Railroad Company 470 feet, more or less, to the place of beginning.

ALSO EXCEPTING THEREFROM the following described real estate:
Being a part of the Northeast Quarter of Section 29, Township 16 North, Range 13 East in Jackson Township, Wayne County, Indiana, and being more particularly described as follows:

Beginning at a steel corner post in the northward right-of-way of the Penn Central Railroad, said point being 655.46 feet south and 950.17 feet south 63 degrees, 07 minutes and 55 seconds west of a marked stone at the northeast corner of the Northeast Quarter of said Section 29, and running thence, from said beginning point, continuing south 63 degrees, 07 minutes and 55 seconds west, along an existing fence in the northward right-of-way of said Railroad, 638.75 feet to a point of curve in said right-of-way; thence continuing along the curve in said right-of-way, having a 3754.80 foot radius curve to the right, a chord which bears south 65 degrees, 56 minutes and 45 seconds west, a distance of 112.09 feet to an iron rod set in line with the extension of an existing fence line; thence north 2 degrees, 55 minutes and 35 second west, along the extension of the fence line and along the fence line, 490.04 feet to a concrete corner post in the south right-of-way of United States Highway Number 40; thence north 86 degrees and 54 minutes east, along the south right-of-way of said Highway, 360.07 feet to a right-of-way monument; thence north 89 degrees, 45 minutes and 45 seconds east, along said right-of-way, 100.12 feet to a point; thence north 84 degrees, 02 minutes and 15 seconds east, along said right-of-way, 100.12 feet to a point; thence north 86 degrees and 54 minutes east, along said right-of-way, 126.54 feet to a point, witness northeast corner of concrete corner post is 1.50 feet south 3 degrees, 26 minutes and 30 seconds east of true corner; thence south 3 degrees, 26 minutes and 30 seconds east, along an existing fence, 192.51 feet to the place of beginning, containing an area of 5.418 acres.

ALSO EXCEPTING THEREFROM the following described real estate:

A part of the Northeast Quarter of Section 29, Township 16 North, Range 13 East, Wayne County, Indiana, described as follows: Commencing at the southeast corner of said quarter section thence North 00 degrees 20 minutes 17 seconds East 1702.98 feet along the east line of said section to a point 938.89 feet South 00 degrees 20 minutes 17 seconds West of the stone at the northeast corner of said section; thence North 89 degrees 39 minutes 43 seconds West 19.00 feet to the west boundary of Swallow Road and the point of beginning of this description; thence North 44 degrees 52 minutes 02 seconds West 96.61 feet; thence South 87 degrees 50 minutes 00 seconds West 36.36 feet to the southeastern line of the right of way of the Consolidated Rail Corporation; thence North 63 degrees 27 minutes 53 seconds East 40.11 feet along said southeastern line to the south boundary of U.S.R. 40, as established by a Right of Way Grant dated May 10, 1935, and recorded June 22, 1962, in Deed Record 306 on page 55 in the Office of the Recorder of said County; thence North 87 degrees 43 minutes 07 seconds East 49.82 feet along the boundary of said U.S.R. 40; thence North 87 degrees 53 minutes 27 seconds East 18.03 feet along said boundary to the west boundary of Swallow Road; thence South 00 degrees 39 minutes 00 seconds East 76.85 feet along the boundary of said Swallow Road; thence South 00 degrees 20 minutes 17 seconds West 10.82 feet along said boundary to the point of beginning and containing 0.088 acres, more or less.

TRACT II: 20-04-000-403.000-05; 28-04-000-306.000-09 (COMMONLY KNOWN AS MOYER RD, MILTON, IN
47357 & MOYER RD, GREENS FORK, IN
47345)
The Southeast Quarter of Section Four (4), and the East half of the Southwest Quarter of Section Four (4), Township Sixteen (16), Range Thirteen (13), Except One and three hundredths (1.03) acres described as follows, to-wit:

Beginning at a point Seventeen (17) poles East of the Southwest corner of the East Half of the Southwest Quarter of said Section, Township and Range; running thence East fifteen (15) poles; thence North Eleven (11) poles; thence West Fifteen (15) poles; thence South Eleven (11) poles to the place of beginning, containing after said Exception Two hundred thirty-eight and ninety-seven hundredths (238.97) acres, more or less, but subject to all legal highways.

EXCEPT: 28.90 acres more or less in the Southeast Quarter Section 4-16-13 described in the following Real Estate:

Being a part of the Northeast quarter of Section 9, Township 16 North, Range 13 East in Harrison Township and a part of the Southeast Quarter of Section 4, Township 16 North, Range 13 East in Clay Township, all in Wayne County, Indiana, and more particularly described below:

Commencing at the northeast corner of the northeast quarter of said Section 9; thence south 0 degrees 20 minutes 0 seconds east 1177.344 feet along the east line of said quarter to an iron rod in the center of the Moyer Road; thence north 85 degrees 40 minutes west 251.552 feet to an iron rod in the center of said road; thence north 78 degrees 30 minutes 59 seconds west 110.033 feet; thence north 75 degrees 39 minutes 40 seconds west 987.857 feet along the center of said road to an iron rod; thence north 9 degrees 09 minutes 30 seconds east 904.896 feet along the center of said road to an iron rod in the north line of said quarter; thence south 89 degrees 54 minutes 30 seconds east 15.00 feet along said north line to an iron rod; thence north 3 degrees 39 minutes 40 seconds east 1143.456 feet to an iron rod; thence south 89 degrees 47 minutes 0 seconds east 1059.740 feet to an iron rod in the east line of said Section 4; thence south 0 degrees 50 minutes 40 seconds east 1138.815 feet along said east line to the place of beginning, containing a total area of 59.21 acres, more or less.

ALSO EXCEPTING THEREFROM the following described real estate:

Situated in the Southeast Quarter, Section 4, Township 16 North, Range 13 East, Clay Township, Wayne County, Indiana, being part of a 210.07 acre tract as described in Deed Record Book 413, Page 273, as recorded in the Wayne County Recorder's Office, being more particularly described as follows:

Beginning at a wood post found at the northeast corner of said Southeast Quarter;

thence South 01°33'17" East 1506.96 feet along the east line of said Quarter, to a point at the northeast corner of a 59.21 acre tract described in Deed Record Book 366, Page 220, witness a wood post found North 47°38'25" West 1.92 feet;

thence South 89°36'18" West 1059.74 feet along the north line of said 59.21 acre tract, to a point, witness a wood post found North 76°34'27" West 3.22 feet;

thence South 03°11'05" West 1143.46 feet along the west line of said 59.21 acre tract, to an iron rod set on the south line of said Quarter (all iron rods set are 5/8" rebar with plastic cap stamped RLS #7955);

thence South 89°28'24" West 1266.02 feet along the south line of said Quarter in Moyer Road, to an iron rod set, witness a wood post found North 02°58'17" West 16.50 feet;

thence North 02°58'17" West 418.25 feet, to a wood post found;

thence North 89°35'20" East 468.39 feet, to a wood post found;

thence North 02°40'05" West 2235.28 feet, to an iron rod set on the north line of said Quarter;

thence North 89°37'31" East 2005.72 feet along said north line, to the point of beginning, containing 95.863 acres, more or less, as shown on Drawing Number C-205, dated August 25, 2004, being subject to right-of-way of Moyer Road and all legal easements of record.

TRACT III: 25-29-000-220.000-10 (COMMONLY KNOWN AS US HWY 40, MILTON, IN 47357)
Being a part of the Northeast Quarter of Section 29, Township 16 North, Range 13 East, in Jackson Township, Wayne County, Indiana, and being more particularly described as follows:

Beginning at an iron rod set at the intersection of the west line of the Northeast Quarter of said Section 29 with the south right-of-way line of the former Penn-Central Railroad, said iron rod being 780.63 feet north 00 degrees, 01 minute and 10 seconds west of a wood post found at the southwest corner of said Northeast Quarter, and running thence from said beginning point continuing north 00 degrees, 01 minute and 10 seconds west, along the west line of said Northeast Quarter, 125.57 feet to a point on the north right-of-way line of said former Railroad, and being on a curve, witness a steel post found 1.61 feet south 40 degrees, 41 minutes and 20 seconds west of the true corner, thence along a 3754.80 foot radius curve to the left, and along said north right-of-way line a chord which bears north 75 degrees, 36 minutes and 38 seconds east, a chord distance of 1150.08 feet to an iron rod found; thence south 02 degrees, 55 minutes and 35 seconds east, 69.21 feet to an iron pipe found in the centerline of said former Railroad, and being on a curve, thence along a 3819.80 foot radius curve to the left, and along said centerline, a chord which bears north 66 degrees, 07 minutes and 32 seconds east, a chord distance of 138.01 feet to the point of tangency of said curve; thence north 63 degrees, 07 minutes and 55 seconds east, continuing along said centerline, 612.82 feet to an iron pipe found; thence south 03 degrees, 26 minutes and 30 seconds east, 65.35 feet to an iron rod set on the south right-of-way line of said former Railroad; thence south 63 degrees, 07 minutes and 55 seconds, west, along said south right-of-way line, 588.89 feet to a point of curve; thence along a 3879.80 foot radius curve to the right, and along said south right-of-way line, a chord which bears south 74 degrees, 50 minutes and 42 seconds west, a chord distance of 1314.69 feet to the place of beginning, containing an area of 4.354 acres.

TRACT IV: 28-08-000-209.010-09 (COMMONLY KNOWN AS 11513 MOYER RD, CAMBRIDGE CITY, IN 47327)
The Northeast Quarter of Section Eight (8), Township Sixteen (16), Range Thirteen (13), containing ONE HUNDRED SIXTY (160) acres:

EXCEPTING THEREFROM: Being a part of the Northeast Quarter of Section 8, Township 16 North, Range 13 East, in Harrison Township, Wayne County, Indiana, and being more particularly described as follows:

Beginning at the southwest corner of the Northeast Quarter of said Section 8, and running thence north 01 degree, 05 minutes and 30 seconds west, along the west line of said Northeast Quarter, 332.80 feet to an iron pipe on the south right-of-way line of Interstate Highway Number 70, and being on a curve; thence along the south right-of-way line of said Highway the following courses and distances: along a 14,965.26 foot radius curve to the left, a chord which bears north 89 degrees, 32 minutes and 30 seconds east, a chord distance 111.00 feet to a point, witness a right-

of-way post 0.52 feet north 02 degrees, 48 minutes and 55 seconds west of the true corner; thence north 88 degrees, 42 minutes and 15 seconds east, 200.05 feet to a point on a curve, witness a right-of-way post 1.18 feet north 18 degrees, 34 minutes and 30 seconds east of the true corner; thence along a 14,970.26 foot radius curve to the right, a chord which bears south 88 degrees, 57 minutes and 05 seconds east, a chord distance of 276.30 feet to a point; thence south 88 degrees, 47 minutes and 10 seconds east, 2007.21 feet to a point on the east line of said Northeast Quarter; thence leaving the right-of-way of said Highway south 00 degrees, 16 minutes and 40 seconds east, along said east line, 184.49 feet to a point, said point being 31.70 feet north 00 degrees, 16 minutes and 40 seconds west of a marked stone at the southeast corner of said Northeast Quarter; thence south 88 degrees, 21 minutes and 15 seconds west, parallel to the south line of said Northeast Quarter, 39.10 feet to a point; thence south 01 degree, 20 minutes and 50 seconds west, 31.73 feet to a point on said south line; thence south 88 degrees, 21 minutes and 15 seconds west, along said south line, 2549.79 feet to the place of beginning, containing an area of 16.630 acres.

ALSO EXCEPTING THEREFROM the following described tract for right-of-way purposes taken by the Indiana State Highway Commission for Indiana Interstate Highway #70, as follows: Commencing at the Southwest corner of the Northeast Quarter of Section 8, Township 16 North, Range 13 East, Harrison Township, Wayne County, Indiana; thence Northerly 333 feet along the West line of said quarter section to the point of beginning of Parcel No. 11 limited access right of way; thence North one degree 29 minutes East, 240 feet along the West side of this tract; thence Southeasterly 589.8 feet along an arc to the right and having a radius of 17,308.7 feet and subtended by a long chord having a bearing of South 88 degrees 22 minutes East, and a length of 589.7 feet; thence South 87 degrees 24 minutes East, 23.6 feet; thence South 85 degrees 58 minutes East, 200.1 feet; thence South 87 degrees 24 minutes East, 1,781 feet to the East side of this tract; thence South one degree 12 minutes West, 230.1 feet along said side; thence North 87 degrees 24 minutes West 2,010.2 feet; thence Northwesterly 274.6 feet along an arc to the left and having a radius of 17,073.7 feet and subtended by a long chord having a bearing of North 87 degrees 51 minutes West, and a length of 274.6 feet; thence South 89 degrees 55 minutes west, 198.7 feet; thence Northwesterly 112 feet along an arc to the left and having a radius of 17,068.7 feet and subtended by a long chord having a bearing of North 89 degrees and 10 minutes West, and a length of 112 feet to the point of beginning and containing Thirteen and Eight hundred eight thousandths (13.808) acres, more or less.

AUPF

STATE OF INDIANA, Wayne County, SS.

Before me, the undersigned a Notary Public in and for said County, this 23rd day of Sept A. D. 1910, personally appeared the within named William Fuller, widower, and acknowledged the execution of the annexed instrument.

WITNESS my hand and notarial seal, this 23rd day of Sept A. D. 1910.

(N.S.) John L. Rupe Notary Public.
My Commission expires June 14, 1913

RECORDED OCT. 29-1910-@-1 P.M.
Will J. Robbins - R.W.C.



THIS INDENTURE WITNESSETH, That the Grantors, John K. Shroyer and Carrie A. Shroyer, his wife, of East Germantown, Wayne County, in the State of Indiana, and Harry E. Shroyer, unmarried, of New York City State of New York for and in consideration of the sum of one Dollar (\$1.00) and other good and valuable considerations, in hand paid, convey and warrant for railroad purposes to The Pittsburg, Cincinnati Chicago and St. Louis Railway Company, a corporation, the following real Estate, to-wit:

All that certain tract, or parcel, of land, situate in the northeast Quarter of Section Twenty-nine (29), Township Sixteen (16) North, Range Thirteen (13), East, Township of Jackson, County of Wayne, State of Indiana, and being further described as follows, to-wit:

Beginning at a point in the South line of the National Road, where it is intersected by said Railway Company's Northwesterly right of way line, said point being Thirty(30) feet, Northwestwardly, measured at right angles, from the original center line of said Railway Company's railway, which is coincident with the center line of its main track, as now constructed; thence Westwardly, along said Northwesterly right of way line, parallel with said original center line, Twenty-six Hundred Forty-eight and Seven Tenths (2648.7) feet, to the West line of said Northeast Quarter; thence Northwardly, along said West line, Fifty-one and Five tenths (51.5) feet, to a point Sixty-five (65) feet, northwardly, measured normal, from the center line, between the two main tracks, of said Railway Company's double track railway, as now located for construction; thence Eastwardly, by a curve to the left, having a radius of Thirty-seven Hundred Fifty-four and eight Tenths (3754.8) feet, parallel with the last mentioned center line, Thirteen Hundred Ninety-four and Three Tenths (1394.3) feet; thence North-eastwardly, parallel to the last course, parallel with the last mentioned center line of the National Road; thence Eastwardly, along said South line, One hundred Ninety-three and Nine Tenths (193.9) feet, to the point of beginning. Containing an area of Three and Two Hundred and Eighty-one Thousandths (3.281) acres, more or less.

Reserving to said Grantors the right of one private crossing over the land herein described.

IN WITNESS WHEREOF, John K. Shroyer and Carrie A. Shroyer, h's wife and Harry E. Shroyer, unmarried, have hereunto set their hands and seals, this 28th day of July, A. D. 1910.

Witness: Katherine L. Gift John K. Shroyer (Seal.)
Byram C. Robbins Carrie A. Shroyer (Seal.)
Harry E. Shroyer (Seal.)

STATE OF INDIANA, County of Wayne SS.

Before me, Katherine L. Gift a Notary Public in and for said County, this 28th day of July, A. D. 1910, personally appeared the within named John K. Shroyer and Carrie A. Shroyer, his wife, and acknowledged the execution of the annexed instrument.

WITNESS my hand and notarial seal, this 28th day of July A. D. 1910.
Katherine L. Gift Notary Public.
(N.S.) My Commission expires April 4-1911.

STATE OF NEW YORK County of New York SS.

Before me David C. Munson a Notary Public in and for said County of New York, this ~~Sixteenth~~ day of August A. D. 1910, personally appeared the within named Harry E. Shroyer, unmarried, and acknowledged the execution of the annexed instrument.

WITNESS my hand and notarial seal, this 16th day of August A. D. 1910.

(N.S.) David C. Munson Notary Public. Notary Public New York Co. No. 276 New York Register No. 1308

RECORDED OCT. 29-1910-@-1 P.M. Will J. Robbins - R.W.C.



THIS INDENTURE WITNESSETH That Bridget Follen and Peter Follen, her husband, of Cass County, in the State of Indiana Release and Quit Claim to Luella B. Feemster, of Wayne County, in the State of Indiana for and in consideration of Two Hundred Dollars, the following described Real Estate in Wayne County, State of Indiana, to-wit:

Lot number ten (10), in Block number Twenty one (21), West of the River and South of the National Road, in Cambridge City, Indiana.

Subject to the Second Instalment of the 1909 taxes payable in 1910 and all of the 1910 taxes payable in 1911.

IN WITNESS WHEREOF, the said Bridget Follen and Peter Follen, her husband, have hereunto set their hands and seals, this 10th day of June 1910

Witness to signatures: Em. Garver (Seal.), J.F. Brennan (Seal.), Bridget X Follen (Seal.) mark, Peter Follen (Seal.) mark

STATE OF INDIANA, Cass County, SS.

Before me, the undersigned, a Notary Public in and for said County, this 10th day of June, 1910 Bridget Follen and Peter Follen, her husband acknowledged the execution of the annexed deed.

WITNESS my hand and official seal.

(N.S.) S. Anna Dolan Notary Public. My Commission expires July, 12th 1911

RECORDED OCT. 29-1910-@-1 P.M. Will J. Robbins - R.W.C.

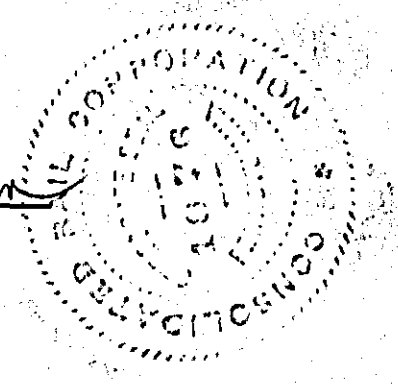


CASE NO. 70681-Z1

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY THAT BY THE AUTHORITY CONFERRED BY THE BOARD OF DIRECTORS OF CONSOLIDATED RAIL CORPORATION (CONRAIL) ON MARCH 18, 1988 TO THE CHAIRMAN AND CHIEF EXECUTIVE OFFICER TO CONDUCT THE BUSINESS AND AFFAIRS OF THE CORPORATION AND TO DELEGATE SUCH AUTHORITY AS HE MAY DEEM NECESSARY, THE CHAIRMAN, PRESIDENT AND CHIEF EXECUTIVE OFFICER DID DELEGATE ON MARCH 19, 1991 TO THE SENIOR VICE PRESIDENT-DEVELOPMENT, WHO ON MAY 23, 1991 REDELEGATED TO THE ASSISTANT VICE PRESIDENT-ASSET DEVELOPMENT, AND WHO ON JUNE 26, 1991 REDELEGATED TO THE DIRECTOR-REAL ESTATE FIELD SERVICES AND DIRECTOR-MANAGEMENT SERVICES (NOW KNOWN AS DIRECTOR-ASSET MANAGEMENT), OR ANY OF THEM, THE AUTHORITY TO EXECUTE AND DELIVER ON BEHALF OF CONRAIL ANY AND ALL DOCUMENTS NECESSARY TO COMPLETE THE SALE OF 17.76 ACRES, MORE OR LESS, OF THE CORPORATION'S ABANDONED RIGHT OF WAY (LINE CODE 8206), LOCATED IN THE COUNTY OF WAYNE, INDIANA, FOR THE TOTAL CONSIDERATION OF \$283 TO U.S. RAILROAD VEST CORPORATION, OR THE NOMINEE THEREOF.

Wilberta C. Jackson
Assistant Secretary
WILBERTA C. JACKSON



Indiana Gross Income Tax on Sale of Real Estate	
Paid By	CONSOLIDATED RAIL CORP
Date Paid	DECEMBER 29, 1993 Grantor
Amount Paid	\$ 13.40
Treasurer's Receipt No.	288906
Wayne County	

"KEY # _____."

THIS INDENTURE WITNESSETH, that **CONSOLIDATED RAIL CORPORATION**, a Corporation of the Commonwealth of Pennsylvania, whose mailing address is Two Commerce Square, 2001 Market Street, Philadelphia, Pennsylvania, 19101-1419, hereinafter referred to as the Grantor, for and in consideration of the sum of TWO HUNDRED EIGHTY-THREE DOLLARS (\$283.00), to it paid, the receipt of which sum is hereby acknowledged, Grantor hereby releases and quitclaims to **U.S. RAILROAD VEST CORPORATION**, a Corporation of the State of Indiana, having a mailing address of 703 Michigan Avenue, Suite 4, LaPorte, Indiana 46350, hereinafter referred to as the Grantee, all its right, title and interest of, in and to the following described premises:

25-30-100-127.004-10
25-30-200-239.004-10
25-29-000-114.004-10
25-29-000-220.004-10

ALL THOSE CERTAIN strips, pieces or parcels of land, together with the improvements, structure, building, track and appurtenances thereon, and being a part or portion of Grantor's property identified as Line Code 8206 in Grantor's corporate records and situate in the County of Wayne in the State of Indiana, which are generally described in Exhibit "A" hereof, and generally indicated on Exhibit "B" hereof, herein referred to as "Premises".

UNDER and SUBJECT, however, to (1) whatever rights the public may have to the use of any roads, alleys, bridges or streets crossing the Premises, (2) any streams, rivers, creeks and water ways passing under, across or through the Premises, and (3) any easements or agreements of record or otherwise affecting the Premises, and to the state of facts which a personal inspection or accurate survey would disclose, and to any pipes, wires, poles, cables, culverts, drainage courses or systems and their appurtenances now existing and remaining in, on, under, over, across and through the Premises, together with the right to maintain, repair, renew, replace, use and remove same.

THIS INSTRUMENT is executed and delivered by Grantor, and is accepted by Grantee, subject to the covenants set forth below, which shall be deemed part of the consideration of this conveyance and which shall run with the land and be binding upon, and inure to the benefit of, the legal representatives, successors and assigns of Grantor and Grantee. Grantee hereby knowingly, willingly, and voluntarily waives the benefit of any rule, law, custom, or statute of the State of Indiana now or hereafter in force with respect to the covenants set forth below.

(1) Should a claim adverse to the title hereby quitclaimed be asserted and/or proved, no recourse shall be had against the Grantor herein.

(2) Grantee by the acceptance of this Instrument, does hereby accept all existing and prospective responsibility for removal and/or restoration costs for any and all railroad bridges and grade crossings, drainage ditches, culverts and their appurtenances that may be located on the Premises conveyed to the said Grantee; and Grantee further covenants and agrees that it will also assume any obligation and/or responsibility as may have been or may hereafter be imposed on Grantor by any Public Utility Commission or any other governmental agency having jurisdiction for any and all bridge structures and grade crossings, drainage ditches, culverts and their appurtenances, including but not limited to the removal, repairing or restoration of same in accordance with the requirements of said Commission or other governmental agency; and Grantee further agrees to indemnify, defend and hold Grantor harmless against all costs, penalties, expenses, obligations, responsibility and requirements associated with said bridge structures and grade crossings, drainage ditches, culverts and their appurtenances.

THE words "Grantor" and "Grantee" used herein shall be construed as if they read "Grantors" and "Grantees", respectively, whenever the sense of this instrument so requires and whether singular or plural, such words shall be deemed to include at all times and in all cases the heirs, legal representatives or successors and assigns of the Grantor and Grantee.

IN WITNESS WHEREOF, the said Grantor has caused this

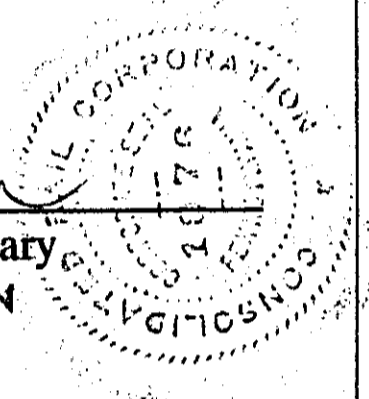
Indenture to be executed by M. Virginia Ebert, its Director-Asset Management, and attested by WILBERTA C. JACKSON, its Assistant Secretary, this 21ST day of September A.D. 1993.

Signed, sealed and delivered in the presence of: **CONSOLIDATED RAIL CORPORATION** By:

Juliana R Sparks *M Virginia Ebert*
JULIANA R. SPARKS M. Virginia Ebert,
Director-Asset Management

ATTEST:

Juliana R Sparks *Wilberta C Jackson*
JULIANA R. SPARKS Assistant Secretary
WILBERTA C. JACKSON

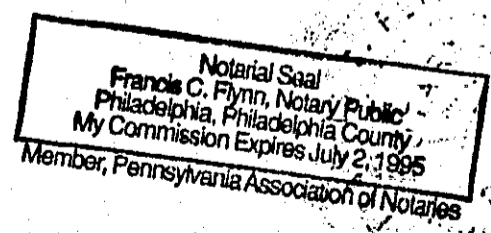


COMMONWEALTH OF PENNSYLVANIA)
: SS
COUNTY OF PHILADELPHIA)

BEFORE ME, the undersigned, a Notary Public in and for said Commonwealth and County, personally appeared M. Virginia Ebert, as Director-Asset Management and WILBERTA C. JACKSON, its Assistant Secretary, respectively, of **CONSOLIDATED RAIL CORPORATION**, and severally acknowledged the execution of the foregoing Instrument to be the voluntary act and deed of said **CONSOLIDATED RAIL CORPORATION**, and their voluntary act and deed as such officers.

WITNESS my hand and notarial seal, this 21ST day of September A. D. 1993.

Francis C Flynn
Notary Public



THIS INSTRUMENT PREPARED BY:

**Juliana R. Sparks
Consolidated Rail Corporation
19-B, Two Commerce Square
2001 Market Street
Philadelphia, Pennsylvania 19101-1419
Case No. 70681-Z1**

:nls

Duly entered for taxation this ²⁶
day of April 1994
Joseph L. Kaiser
AUDITOR OF WAYNE COUNTY

CASE NO. 70681-Z1

DEED TO

U.S. RAILROAD VEST CORPORATION

EXHIBIT "A"

Wayne County, Indiana

Richmond Secondary, Line Code 8206

ALL THAT CERTAIN property of the Grantor, being a portion of the line of railroad known as the Richmond Secondary, and identified as Line Code 8206 in the Recorder's Office of Wayne County, Indiana in Deed Book Volume 400 at page 379, situate in the County of Wayne and the State of Indiana, herein referred to as Premises and being further described as follows:

BEING all that portion of Grantor's abandoned railroad line known as Richmond Secondary, being further referred to as Sub. Number 390, Line Code 8206, situate in said County and described as follows:

BEGINNING in the County at the westerly line of a sale by Grantor to Indiana Department of Transportation (Case No. 69612) at U.S. Route 40 in Section 28, and terminating in the County at the easterly limits of a sale by Grantor to Lucien and Marion Reece, May 29, 1986 (Case No. 68023).

BEING further described as being located in Sections 28, 29 and 30, Township 16 North, Range 5 East and the Township of Jackson.

THE Beginning and Ending Points are indicated on Grantor's Case Plan No. 70681-Z1, sheets 1 through 3 in Exhibit "B" hereof.

CONTAINING approximately 17.76 acres, more or less.

BEING a part or portion of the same premises which John C. Kohl, as Trustee of the Property of Philadelphia, Baltimore and Washington Railroad Company, Debtor, by Conveyance Document No. PB&W-CRC-RP-53, dated March 29, 1976 and recorded on October 25, 1978, in the Recorder's Office of Wayne County, Indiana, in Deed Book Volume 400 at page 374&c., granted and conveyed unto Consolidated Rail Corporation.

THIS EXHIBIT "A" CONTAINS 1 PAGE, OF WHICH THIS IS PAGE 1 OF 1.

CASE NO. 70681-Z1

DEED TO

U.S. RAILROAD VEST CORPORATION

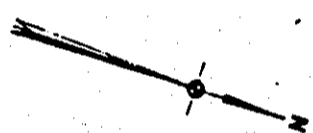
EXHIBIT "B"

THIS EXHIBIT "B" CONTAINS 3 MAPS.

77000
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BEGIN

NO.	DESCRIPTION	AMOUNT
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WAYNE COUNTY, INDIANA
JACKSON TOWNSHIP

CASE NO. 70681-Z-1
SHEET 1 OF 3
WAYNE COUNTY
L.C. 8206
VS. 2 IN (7146) / 11-13
AT 74th M. 52.53

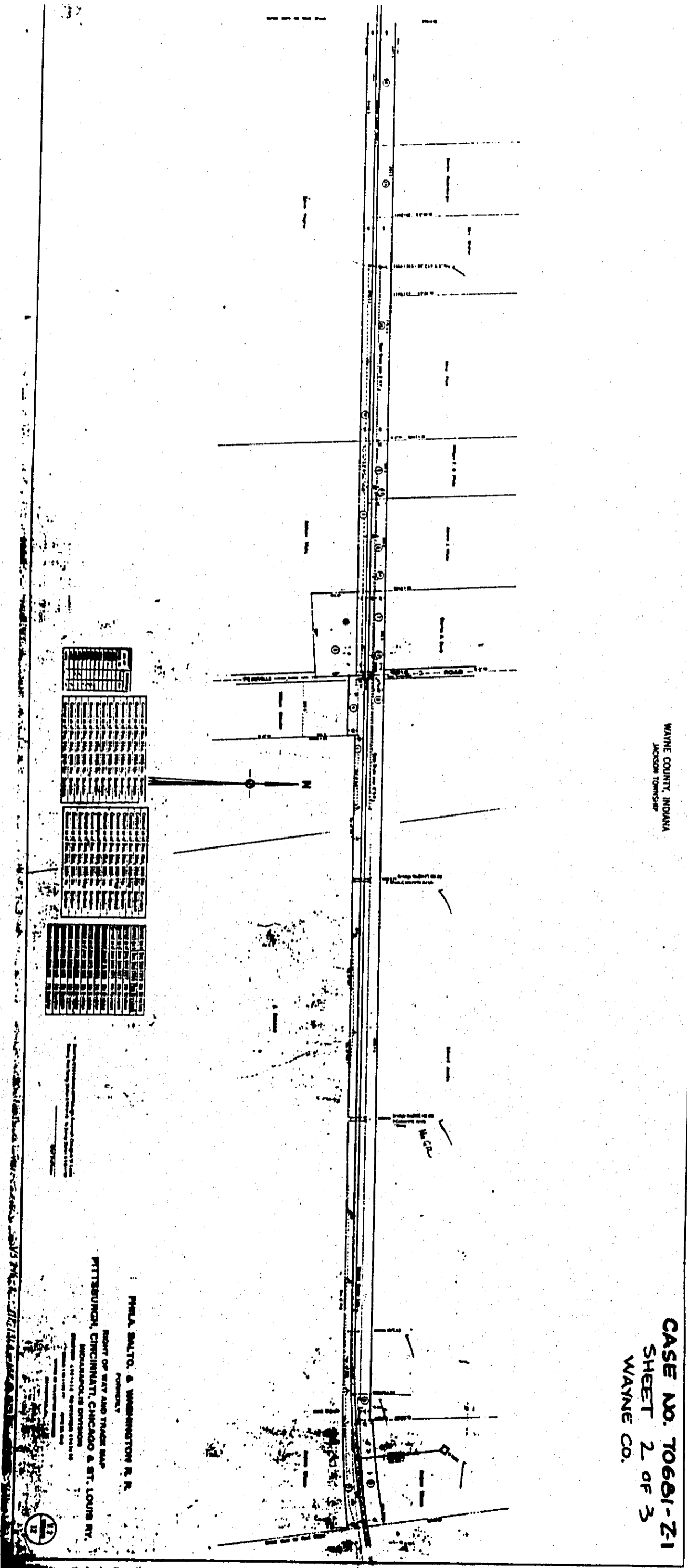
PHIL BALTO. & WASHINGTON R. R.
RIGHT OF WAY AND TRACK MAP
PITTSBURGH, CINCINNATI, CHICAGO & ST. LOUIS RY.
INDIANAPOLIS DIVISION
ENGINEER: J. H. BROWN
DATE: 1911

13 114-8 117 134-8 1318



WAYNE COUNTY, INDIANA
JACKSON TOWNSHIP

CASE NO. 70661-21
SHEET 2 OF 3
WAYNE CO.



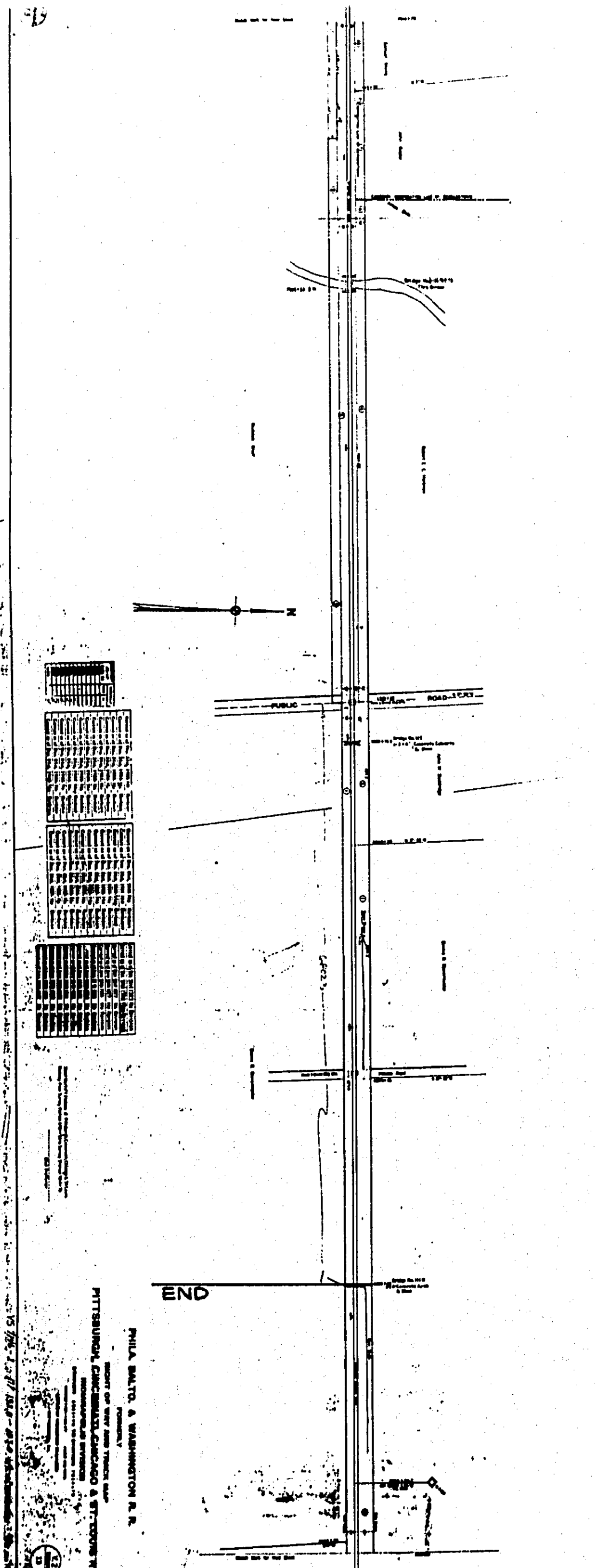
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PHIL. BALTO. & WASHINGTON R. R.
REPORT OF WAY AND TRAIL MAP
PITTSBURGH, CINCINNATI, CHICAGO & ST. LOUIS RY.
INDIANAPOLIS DIVISION



WAYNE COUNTY, INDIANA

CASE NO. 70681-Z1
SHEET 3 OF 3
WAYNE CO.



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RECORDED APR 26 1994

DEBORAH S. SMITH R.W. 3:20 PM

PHIL BALTO & WASHINGTON R.R.
 PRESIDENT
 REPORT OF WAY AND TRACK LAY
 PITTSBURGH, CINCINNATI, CHICAGO & ST. LOUIS, KY.
 INDIANAPOLIS DIVISION
 DISTRICT OF INDIANA
 DISTRICT ENGINEER
 DISTRICT OFFICE
 INDIANAPOLIS, IND.



Al Dillon
Wayne County Recorder
IN 2002016503 QCD
11/26/2002 14:13:07 5 PGS
Filing Fee: \$22.00

071070

QUIT CLAIM DEED

THIS INDENTURE WITNESSETH, That **LOWELL A. BROOKS**, Trustee under the Lowell A. Brooks Revocable Trust dated June 18, 1999 and **SARA J. GAINNEY**, Trustee under the Gladys L. Brooks Revocable Trust dated June 18, 1999, Release and Quit Claim to **SHEILA J. CAMPBELL**, Trustee, or her Successors in Trust, of the Sheila J. Campbell Revocable Trust dated July 18, 1997 and any amendments thereto, of Wayne County, in the State of Indiana, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following described Real Estate in Wayne County, Indiana, to-wit:

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

The Grantor Trustee, Sara J. Gainey, warrants and represents that she is the Successor Trustee to Sheila J. Campbell under the Gladys L. Brooks Revocable Trust dated June 18, 1999 and that she has the power to make this conveyance as its sole Trustee..

28-08-000-209.010-09

The Grantor, Lowell A. Brooks, represents that he is the sole trustee of the Lowell A. Brooks Revocable Trust dated June 18, 1999 and that he has the power to make this conveyance.

IN WITNESS WHEREOF, the said **LOWELL A. BROOKS**, Trustee under the Lowell A. Brooks Revocable Trust dated June 18, 1999 and **SARA J. GAINNEY**, Trustee under the Gladys L. Brooks Revocable Trust dated June 18, 1999 have hereunto set their hands and seals this 18th day of October, 2002.

Lowell A. Brooks
Lowell A. Brooks, Trustee Under the
Lowell A. Brooks Revocable Trust
Dated June 18, 1999

Sara J. Gainey
Sara J. Gainey, Trustee Under the
Gladys L. Brooks Revocable Trust
Dated June 18, 1999

STATE OF INDIANA, COUNTY OF WAYNE, SS:

Before me, the undersigned, a Notary Public, in and for said County and State, this 18th of October, 2002 personally appeared the within named Lowell A. Brooks and Sara J. Gainey, Grantors in the above conveyance, and acknowledged the execution of the same to be their voluntary act and deed, for the uses and purposes herein mentioned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

Patricia L. May
Patricia L. May, Notary Public
Residing in Wayne County, IN.

My Commission Expires:
12-29-06

This instrument prepared by Paul F. Vertesch, Attorney at Law, 111 South 7th Street, Richmond, Indiana 47374.

Duly entered for taxation this 26
day of November 2002
Christopher H. Beeson
AUDITOR OF WAYNE COUNTY

EXHIBIT A

The Northeast Quarter of Section Eight (8), Township Sixteen (16), Range Thirteen (13), containing ONE HUNDRED SIXTY (160) acres:

EXCEPTING THEREFROM: Being a part of the Northeast Quarter of Section 8, Township 16 North, Range 13 East, in Harrison Township, Wayne County, Indiana, and being more particularly described as follows:

Beginning at the southwest corner of the Northeast Quarter of said Section 8, and running thence north 01 degree, 05 minutes and 30 seconds west, along the west line of said Northeast Quarter, 332.80 feet to an iron pipe on the south right-of-way line of Interstate Highway Number 70, and being on a curve; thence along the south right-of-way line of said Highway the following courses and distances: along a 14,965.26 foot radius curve to the left, a chord which bears north 89 degrees, 32 minutes and 30 seconds east, a chord distance of 111.00 feet to a point, witness a right-of-way post 0.52 feet north 02 degrees, 48 minutes and 55 seconds west of the true corner; thence north 88 degrees, 42 minutes and 15 seconds east, 200.05 feet to a point on a curve, witness a right-of-way post 1.18 feet north 18 degrees, 34 minutes and 30 seconds east of the true corner; thence along a 14,970.26 foot radius curve to the right, a chord which bears south 88 degrees, 57 minutes and 05 seconds east, a chord distance of 276.30 feet to a point; thence south 88 degrees, 47 minutes and 10 seconds east, 2007.21 feet to a point on the east line of said Northeast Quarter; thence leaving the right-of-way of said Highway south 00 degrees, 16 minutes and 40 seconds east, along said east line, 184.49 feet to a point, said point being 31.70 feet north 00 degrees, 16 minutes and 40 seconds west of a marked stone at the southeast corner of said Northeast Quarter; thence south 88 degrees, 21 minutes and 15 seconds west, parallel to the south line of said Northeast Quarter, 39.10 feet to a point; thence south 01 degree, 20 minutes and 50 seconds west, 31.73 feet to a point on said south line; thence south 88 degrees, 21 minutes and 15 seconds west, along said south line, 2549.79 feet to the place of beginning, containing an area of 16.630 acres.

ALSO EXCEPTING THEREFROM the following described tract for right-of-way purposes taken by the Indiana State Highway Commission for Indiana Interstate Highway #70, as follows: Commencing at the Southwest corner of the Northeast Quarter of Section 8, Township 16 North, Range 13 East, Harrison Township, Wayne County, Indiana; thence Northerly 333 feet along the West line of said quarter section to the point of beginning of Parcel No. 11 limited access right of way; thence North one degree 29 minutes East, 240 feet along the West side of this tract; thence Southeasterly 589.8 feet along an arc to the right and having a radius of 17,308.7 feet and subtended by a long chord having a bearing of South 88 degrees 22 minutes East, and a length of 589.7 feet; thence South 87 degrees 24 minutes East, 23.6 feet; thence South 85 degrees 58 minutes East, 200.1 feet; thence South 87 degrees 24 minutes East, 1,781 feet to the East side of this tract; thence South one degree 12 minutes West, 230.1 feet along said side; thence North 87 degrees 24 minutes West 2,010.2 feet; thence Northwesterly 274.6 feet along an arc to the left and having a radius of 17,073.7 feet and subtended by a long chord having a bearing of North 87 degrees 51

minutes West, and a length of 274.6 feet; thence South 89 degrees 55 minutes west, 198.7 feet; thence Northwesterly 112 feet along an arc to the left and having a radius of 17,068.7 feet and subtended by a long chord having a bearing of North 89 degrees and 10 minutes West, and a length of 112 feet to the point of beginning and containing Thirteen and Eight hundred eight thousandths (13.808) acres, more or less.

SUBJECT ALSO to a roadway and easement in the Southeast corner of said Quarter Section, more particularly described as follows: Beginning at the Southeast corner of Northeast Quarter of Section 8, Township 16 North, Range 13 East, Harrison Township, Wayne County, Indiana; the point of beginning of Parcel No. 11 a permanent right of way. Thence North 88 degrees 46 minutes West; 40 feet along the South side of this tract; thence North one degree 15 minutes East, 31.7 feet; thence South 88 degrees 46 minutes East, 39.1 feet to the East side of this tract; thence South zero degrees 23 minutes East, 31.7 feet along said side to the point of beginning and containing one Thousand Two hundred Fifty-four (1,254) square feet, or Twenty-nine thousandths (0.029) acres, more or less. P.M./M.H.

Duly entered for taxation this 19
day of June 2002
Christopher H. Beeson
AUDITOR OF WAYNE COUNTY

Duly entered for taxation this 26
day of November 2002
Christopher H. Beeson
AUDITOR OF WAYNE COUNTY

Call Warren
855-5211

DEDICATION OF PUBLIC WAY

THIS INDENTURE WITNESSETH, that
LOWELL A. BROOKS, trustee for the **Lowell A. Brooks Revocable Trust**;
GLADYS L. BROOKS, trustee for the **Gladys L. Brooks Revocable Trust**; and
SHEILA J. CAMPBELL, trustee for the **Sheila J. Campbell Revocable Trust**

of Wayne County, in the State of Indiana, grant and convey unto

WAYNE COUNTY, INDIANA

right-of-way for a public highway, said right-of-way being more particularly described, to-wit:

See **EXHIBITS "A", "B", "C" and "D"** attached hereto and made part hereof.

28-05-000-406.000-09
28-08-000-209.000-09

Duly entered for taxation this 13
day of May 2002
Christopher H. Beeson
AUDITOR OF WAYNE COUNTY

Grantor recites that this Dedication of Public Way is for the use of Wayne County, Indiana as right of way for a public highway and is not a conveyance of fee simple title to the above described real estate.

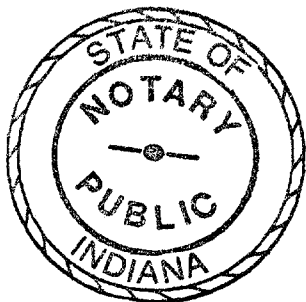
Executed this 13th day of MAY, 2002.

Lowell A. Brooks
LOWELL A. BROOKS, Trustee
Lowell A. Brooks POA.
GLADYS L. BROOKS, Trustee
Sheila J. Campbell, Trustee
SHEILA J. CAMPBELL, Trustee

STATE OF INDIANA, COUNTY OF WAYNE, SS:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Lowell A. Brooks, Gladys L. Brooks and Sheila J. Campbell who acknowledged the execution of this dedication of public way to be a voluntary act and deed.

WITNESS, my hand and Notarial Seal this 13th day of May, 2002.



Warren James Sudhoff
WARREN JAMES SUDHOFF
Notary Public, Resident of Wayne County
FAYETTE
My Commission Expires: 6-29-2009

This instrument prepared by Ronald L. Cross, Attorney At Law

EXHIBIT "A"

Sheet 1 of 4

PERMANENT RIGHT OF WAY
PROJECT NO. WC-601
PARCEL NO. 1

Part of the Southeast Quarter of Section 5, Township 16 North, Range 13 East of the Second Principal Meridian, Wayne County, Indiana, described as follows

Commencing at the Southwest corner of the Southeast Quarter of Section 5, Township 16 North, Range 13 East; thence North 90 degrees 00 minutes 00 seconds East, along the south line of said Quarter Section, 300.00 feet; thence North 00 degrees 00 minutes East 18.00 feet to the proposed north right of way of Moyer Rd and POINT OF BEGINNING of this description; thence North 85 degrees 25 minutes 34 seconds East, along said proposed right of way, 150.48 feet; thence North 90 degrees 00 minutes 00 seconds East, along said proposed right of way, 190.00 feet; thence North 79 degrees 41 minutes 43 seconds East, along said proposed right of way, 111.80 feet; thence North 90 degrees 00 minutes 00 seconds East, along said proposed right of way, 172.14 feet to the easterly line of the grantor; thence South 02 degrees 42 minutes 39 seconds East, along said easterly line, 32.04 feet; thence North 90 degrees 00 minutes 00 seconds West 623.65 feet; to the POINT OF BEGINNING containing 0.256 acres more or less.



Given under my hand and seal 2/4/02
Date

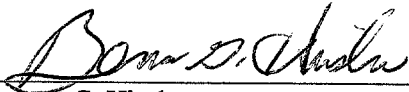

Benson G. Hinshaw
Registered Land Surveyor No. LS29500009
State of Indiana

EXHIBIT "B"

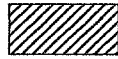
RIGHT-OF-WAY PARCEL PLAT

SHEET 2 OF 4

PARCEL 1
 CODE:
 PROJECT NO.: WC- 601
 ROAD: MOYER ROAD
 COUNTY: WAYNE
 SECTION: 5
 TOWNSHIP: 16 N
 RANGE: 13 E.

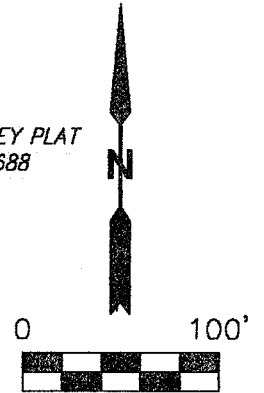
OWNER: GLADYS L. BROOKS REV. TRUST
 SHEILA J. CAMPBELL REV. TRUST
 LOWELL A. BROOKS REV. TRUST
 INSTRUMENT NO. 1999-008630
 RECORD NO.
 PAGE NO.
 DATED: 06/23/99

DRAWN: B. HINSHAW
 DATE: 12/12/01
 CHECKED: B. HINSHAW
 DATE: 12/12/01

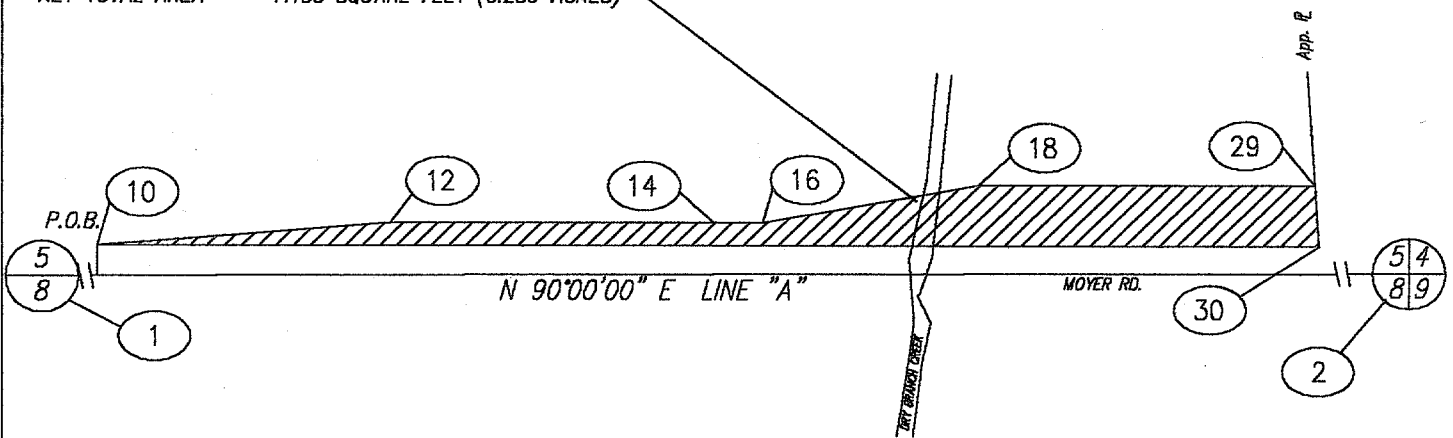


HATCHED AREA IS THE APPROXIMATE TAKING

NOTE: NOTE THIS PLAT IS BASED ON INFORMATION SHOWN ON ROUTE SURVEY PLAT PREPARED BY A&H SURVEYING AND RECORDED AS INSTRUMENT #2001-005688 IN THE OFFICE OF THE RECORDER, WAYNE COUNTY.



PERMANENT R/W
 TOTAL AREA 22366 SQUARE FEET (0.513 ACRES)
 EXISTING APP. R/W 11133 SQUARE FEET (0.258 ACRES)
 NET TOTAL AREA 11133 SQUARE FEET (0.256 ACRES)



POINT	CENTERLINE	STATION	OFFSET	NORTHING	EASTING
1	"A"	50+00.00	0 FT RT	5000.0000	5000.0000
2	N.A.	50+00.00	0 FT RT	5000.0000	7602.1840
10	"A"	53+00.00	18 FT LT	5018.0000	5300.0000
12	"A"	54+50.00	30 FT LT	5030.0000	5450.0000
14	"A"	56+15.00	30 FT LT	5030.0000	5615.0000
16	"A"	56+40.00	30 FT LT	5030.0000	5640.0000
18	"A"	57+50.00	50 FT LT	5050.0000	5750.0000
29	"A"	59+21.92	50 FT LT	5050.0000	5921.9215
30	"A"	59+24.01	18 FT LT	5018.0000	5924.0096

NOTE: STATION AND OFFSETS CONTROL OVER BOTH NORTH AND EAST COORDINATES AND BEARINGS AND DISTANCES.

OFFICE SURVEYORS REPORT
 THE INFORMATION SHOW IN THE NEW PARCEL INFORMATION CHART IS INTENDED TO SHOW THE LOCATION OF THE NEW R/W DESIGN.
 THE EXISTING R/W INFORMATION IS PER PHYSICAL EVIDENCE IN THE FIELD

SURVEYORS STATEMENT
 TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAT, TOGETHER WITH THE LOCATION CONTROL ROUTE SURVEY PLAT, RECORDED AS INSTRUMENT NO. 2001-005688 IN THE OFFICE OF THE RECORDER OF WAYNE COUNTY, INDIANA (INCORPORATED HEREIN AND MADE PART OF BY REFERENCE) COMPRISE A ROUTE SURVEY, EXECUTED IN ACCORDANCE WITH INDIANA ADMINISTRATIVE CODE 865 IAC (RULE 12).



EXHIBIT "C"

Sheet 3 of 4

PERMANENT RIGHT OF WAY
PROJECT NO. WC-601
PARCEL NO. 3

Part of the Northwest Quarter of Section 8, Township 16 North, Range 13 East of the Second Principal Meridian, Wayne County, Indiana, described as follows

Commencing at the Northwest corner of the Northeast Quarter of Section 8, Township 16 North, Range 13 East; thence North 90 degrees 00 minutes 00 seconds East, along the south line of said Quarter Section, 300.00 feet; thence South 00 degrees 00 minutes East 18.00 feet to POINT OF BEGINNING of this description; thence North 90 degrees 00 minutes 00 seconds East 805.00 feet to the proposed southerly right of way of Moyer Road; thence South 81 degrees 56 minutes 12 seconds West, along said proposed right of way, 121.20 feet; thence South 87 degrees 33 minutes 48 seconds West, along said proposed right of way, 235.21 feet; thence North 84 degrees 17 minutes 22 seconds West, along said proposed right of way, 50.25 feet; thence South 90 degrees 00 minutes 00 seconds West, along said proposed right of way, 250.00 feet; thence North 81 degrees 39 minutes 22 seconds West, along said proposed right of way, 151.60 to the POINT OF BEGINNING containing 0.334 acres more or less.



Given under my hand and seal 2/4/02
Date

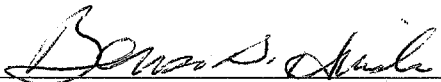

Benson G. Hinshaw
Registered Land Surveyor No. LS29500009
State of Indiana

EXHIBIT "D"
RIGHT-OF-WAY PARCEL PLAT

SHEET 4 OF 4

PARCEL 3
CODE:
PROJECT NO.: WC- 601
ROAD: MOYER ROAD
COUNTY: WAYNE
SECTION: 8
TOWNSHIP: 16 N
RANGE: 13 E.

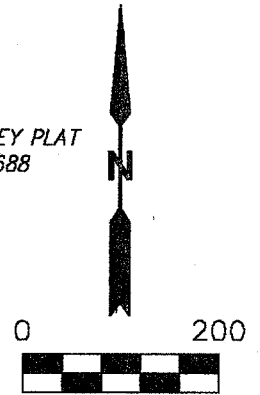
OWNER: GLADYS L. BROOKS REV. TRUST
SHEILA J. CAMPBELL REV. TRUST
LOWELL A. BROOKS REV. TRUST
INSTRUMENT NO. 1999-008630
RECORD NO.
PAGE NO.
DATED: 06/23/99

DRAWN: B. HINSHAW
DATE: 12/12/01
CHECKED: B. HINSHAW
DATE: 12/12/01

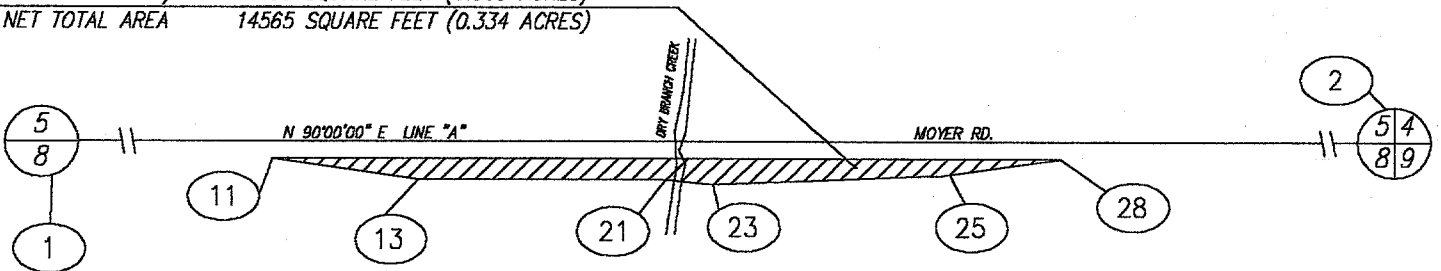


HATCHED AREA IS THE APPROXIMATE TAKING

NOTE: NOTE THIS PLAT IS BASED ON INFORMATION SHOWN ON ROUTE SURVEY PLAT PREPARED BY A&H SURVEYING AND RECORDED AS INSTRUMENT #2001-005688 IN THE OFFICE OF THE RECORDER, WAYNE COUNTY.



PERMANENT R/W
TOTAL AREA 29055 SQUARE FEET (0.667 ACRES)
EXISTING APP. R/W 14490 SQUARE FEET (0.333 ACRES)
NET TOTAL AREA 14565 SQUARE FEET (0.334 ACRES)



POINT	CENTERLINE	STATION	OFFSET	NORTHING	EASTING
1	"A"	50+00.00	0 FT RT	5000.0000	5000.0000
2	N.A.	50+00.00	0 FT RT	5000.0000	7602.1840
11	"A"	53+00.00	18 FT RT	4982.0000	5300.0000
13	"A"	54+50.00	40 FT RT	4960.0000	5450.0000
21	"A"	57+00.00	40 FT RT	4960.0000	5700.0000
23	"A"	57+50.00	45 FT RT	4955.0000	5750.0000
25	"A"	59+85.00	35 FT RT	4965.0000	5985.0000
28	"A"	61+05.00	18 FT RT	4982.0000	6105.0000

NOTE: STATION AND OFFSETS CONTROL OVER BOTH NORTH AND EAST COORDINATES AND BEARINGS AND DISTANCES.

OFFICE SURVEYORS REPORT

THE INFORMATION SHOW IN THE NEW PARCEL INFORMATION CHART IS INTENDED TO SHOW THE LOCATION OF THE NEW R/W DESIGN.

THE EXISTING R/W INFORMATION IS PER PHYSICAL EVIDENCE IN THE FIELD

SURVEYORS STATEMENT

TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAT, TOGETHER WITH THE LOCATION CONTROL ROUTE SURVEY PLAT, RECORDED AS INSTRUMENT NO. 2001-005688 IN THE OFFICE OF THE RECORDER OF WAYNE COUNTY, INDIANA (INCORPORATED HEREIN AND MADE PART OF BY REFERENCE) COMPRISE A ROUTE SURVEY, EXECUTED IN ACCORDANCE WITH INDIANA ADMINISTRATIVE CODE 865 IAC (RULE 12).



RECORDED MAY 13 2002 AL DILLON, R.W.C

Co. Highway

AMENDED DEDICATION OF PUBLIC WAY

THIS INDENTURE WITNESSETH, that

LOWELL A. BROOKS, trustee for the Lowell A. Brooks Revocable Trust;
GLADYS L. BROOKS, trustee for the Gladys L. Brooks Revocable Trust; and
SHEILA J. CAMPBELL, trustee for the Sheila J. Campbell Revocable Trust

of Wayne County, in the State of Indiana, do hereby amend their Dedication of Public Way, as the Grantors therein, to Wayne County, Indiana, duly executed and recorded as Instrument Number 2002006404 RW in the Office of Recorder, Wayne County, Indiana, on the 13th day of May, 2002 by amending Exhibit "C", attached thereto and made a part thereof. Exhibit "C" is hereby amended, to-wit:

PERMANENT RIGHT OF WAY
PROJECT NO. WC-601
PARCEL NO. 3

28-05-000-406.000-09

Part of the Northeast Quarter of Section 8, Township 16 North, Range 13 East of the Second Principal Meridian, Wayne County, Indiana, described as follows

Commencing at the Northwest corner of the Northeast Quarter of Section 8, Township 16 North, Range 13 East; thence North 90 degrees 00 minutes 00 seconds East, along the south line of said Quarter Section, 300.00 feet; thence South 00 degrees 00 minutes East 18.00 feet to POINT OF BEGINNING of this description; thence North 90 degrees 00 minutes 00 seconds East 805.00 feet to the proposed southerly right of way of Moyer Road; thence South 81 degrees 56 minutes 12 seconds West, along said proposed right of way, 121.20 feet; thence South 87 degrees 33 minutes 48 seconds West, along said proposed right of way, 235.21 feet; thence North 84 degrees 17 minutes 22 seconds West, along said proposed right of way, 50.25 feet; thence South 90 degrees 00 minutes 00 seconds West, along said proposed right of way, 250.00 feet; thence North 81 degrees 39 minutes 22 seconds West, along said proposed right of way, 151.60 to the POINT OF BEGINNING containing 0.334 acres more or less.

Grantors further recite that in all other respects said Dedication of Public Way shall remain unamended.

Executed this 8th day of May, ~~2002~~ ²⁰⁰³

Lowell A. Brooks
Lowell A. Brooks, Trustee

Lowell A. Brooks P.O.A.
Gladys L. Brooks, Trustee

Sheila J. Campbell
Sheila J. Campbell, Trustee

ENTERED ON AUDITOR'S
Records This 13
Day of May 2003

STATE OF INDIANA, COUNTY OF WAYNE, SS:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Lowell A. Brooks, Gladys L. Brooks, and Sheila J. Campbell who acknowledged the execution of this dedication of public way to be a voluntary act and deed.

WITNESS, my hand and Notarial Seal this 8th day of May, ~~2002~~ ²⁰⁰³

Warren James Sudhoff
WARREN JAMES SUDHOFF
Notary Public, Wayne County, Indiana
FAYETTE

My Commissioner Expires: 6-29-2009

WARRANTY DEED

WAYNE COUNTY RECORDER

THIS INDENTURE WITNESSETH, That

ROBERT N. WALTHER AND JOYCE E. WALTHER, husband and wife

67 JUL 30 PM 4 00

of Wayne County, in the State of Indiana, Convey and Warrant to

LEON L. MOORE AND LAUREL S. MOORE, husband and wife,

of Wayne County, in the State of Indiana, for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations, the receipt whereof is hereby acknowledged, the following described Real Estate in Wayne County, in the State of Indiana, to-wit:

Being a part of the Northeast Quarter of Section 29, Township 16 North, Range 13 East in Jackson Township, Wayne County, Indiana, and being more particularly described as follows:

Beginning at a steel corner post in the northward right-of-way of the Penn Central Railroad, said point being 655.46 feet south and 950.17 feet south 63 degrees, 07 minutes and 55 seconds west of a marked stone at the northeast corner of the Northeast Quarter of said Section 29, and running thence, from said beginning point, continuing south 63 degrees, 07 minutes and 55 seconds west, along an existing fence in the northward right-of-way of said Railroad, 638.75 feet to a point of curve in said right-of-way; thence continuing along the curve in said right-of-way, having a 3754.80 foot radius curve to the right, a chord which bears south 65 degrees, 56 minutes and 45 seconds west, a distance of 112.09 feet to an iron rod set in line with the extension of an existing fence line; thence north 2 degrees, 55 minutes and 35 second west, along the extension of the fence line and along the fence line, 490.04 feet to a concrete corner post in the south right-of-way of United States Highway Number 40; thence north 86 degrees and 54 minutes east, along the south right-of-way of said Highway, 360.07 feet to a right-of-way monument; thence north 89 degrees, 45 minutes and 45 seconds east, along said right-of-way, 100.12 feet to a point; thence north 84 degrees, 02 minutes and 15 seconds east, along said right-of-way, 100.12 feet to a point; thence north 86 degrees and 54 minutes east, along said right-of-way, 126.54 feet to a point, witness northeast corner of concrete corner post is 1.50 feet south 3 degrees, 26 minutes and 30 seconds east of true corner; thence south 3 degrees, 26 minutes and 30 seconds east, along an existing fence, 192.51 feet to the place of beginning, containing an area of 5.418 acres.

SUBJECT TO: A perpetual easement for the benefit of Grantors and their successors in title, and the licenses and permittees of such owners, for ingress and egress to and from other real estate owned by Grantors and abutting the southerly right-of-way of the Penn Central Railroad, said easement being over and across the following described real estate, to-wit: being an easement 20.00 feet in equal width, the centerline being more particularly described as follows: Beginning at a point in the south right-of-way of United States Highway Number 40, said point being 144.90 feet north 86 degrees and 54 minutes east of a concrete corner post at the northwest corner of the above described tract, and running thence, from said beginning point, south 24 degrees, 32 minutes and 20 seconds east, along the centerline of said easement, 84.62 feet to a point; thence south 81 degrees, 11 minutes and 55 seconds east, along said centerline, 100.93 feet to a point; thence 8 degrees, 35 minutes and 25 seconds east, along said centerline, 264.94 feet to a point in an existing fence in the north right-of-way of the Penn Central Railroad, said point being 423.76 feet south 63 degrees, 07 minutes and 55 seconds west of the southeast corner of the above described tract and being the end of this easement description.

ALSO SUBJECT TO: Any easements of record.

Subject to the second installment of real estate taxes for the year 1986, due and payable in 1987, and all subsequent taxes which the Grantees herein assume and agree to pay.

Possession of the real estate hereby conveyed shall be given to the Grantees herein on or before Thirty (30) days from the date of execution of this instrument.

IN WITNESS WHEREOF, the said GRANTORS have hereunto set their hands and seals this 29th day of July, 1987.

Robert N. Walther
ROBERT N. WALTHER

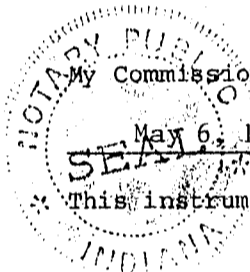
Joyce E. Walther
JOYCE E. WALTHER

STATE OF INDIANA, COUNTY OF WAYNE, SS:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Robert N. Walther and Joyce E. Walther, husband and wife, who acknowledges the execution of the foregoing Deed to be their voluntary act and deed.

WITNESS, my hand and Notarial Seal this 29th day of July, 1987.

Willard G. Bowen
Willard G. Bowen (Printed Name)
Notary Public residing in Wayne
County, Indiana



My Commission Expires:

May 6, 1989

This instrument prepared by Willard G. Bowen, Attorney at Law.

Return to: BOWEN & CECERE, P.C., 101 S. 10th Street, Richmond, Indiana 47374

Send tax statements to: Leon L Moore
RR 2 Box 83
Cambridge City IN, 47327

Duty entered for taxation this 30

day of July 19 87

Richard W. Thalls
AUDITOR OF WAYNE COUNTY

RECORDED JUL 30 1987 DEBORAH S. SMITH R.W.C. 4:00 P.M.